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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/371,687
Filing Date: August 10, 1999
Appellant(s): DRAKELEY ET AL.

Faustino a. Lichauco Reg. No. 41,942
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/14/2008 appealing from the Office action mailed 3/19/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Art Unit: 3692

| | | |
|-----------|--------------------|---------|
| 7,058,817 | Ellmore | 6-2006 |
| 6,240,444 | Fin et al. | 5-2001 |
| 6,128,602 | Northington et al. | 10-2000 |
| 5,729,734 | Parker et al. | 3-1998 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 83-85, 88, 90-94, 97, 99, 100-103, 106, 108, 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (hereinafter Roberts, US Patent No. 6,754,693) in view of Ellmore (US Patent No. 7,058,817).

Re claims 83, 90, 92, 99, 101, 108: Roberts disclose a method, computer-program product, and apparatus comprising:

receiving, through a first web page generated by first code, pretender identification information associated with a pretender; using the pretender identification information to identify a set of applications available to the pretender ("The server 20

Art Unit: 3692

ascertains and validates which type of user is requesting one of the applets 34 by various methods. One such method allows the server 20 to validate each of the computers using a password system. In this implementation, any requester can get any view 36, 50, 90 as long as it has the appropriate validation codes such as a name and a password. Additionally, with the appropriate validation codes a requester can log-on from anywhere in the world that is connected to the network 16. Thus, others can join in a current session simply by knowing the validation codes.”)-see col. 11 lines 7-16; Fig. 1; communication with server via a web page-col. 11 lines 38-45; identification of applications available to pretender-see Col. 12 lines 17-25; Fig. 1;

receiving through a second web page generated by the first code, information selecting an application from the set of applications-see col. 10 line 58 to col. 11 line 6; col. 12 lines 16-26;

Although Roberts do disclose “The server ascertains and validates which type of user is requesting one of the applets 34 by various methods. One such method allows the server 20 to validate each of the computers using a password system...any requester can get any view...as long as it has the appropriate validation codes such as a name, and a password.”)-see col. 11 lines 7-17. Roberts do not explicitly disclose using account identifier with user identification information to authorize access. It is old and well known in the art of data authentication that in order to access secure data over the Internet, many forms of identification as well as a combination of the identification can be used such as user id, password, account number, and social security number as evidenced by Ellmore. Therefore it would have been obvious to one having ordinary

Art Unit: 3692

skill in the art at the time the invention was made to modify Roberts to explicitly include receiving an account identifier such as an account number as evidenced by Ellmore in order to provide secure online access to personal information.

Roberts disclose:

causing the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party to access the account through a selected application, the selected application being identified by the information selecting an application from the set of applications.-see col. 7 lines 50-63; col. 10 line 58 to col. 12; col. 18 line 12-15;

wherein a first browser displays the view and information to the pretender, and wherein a second browser, which differs from the first browser, would display the view and information to the particular party.-see col. 12 lines 33-35; Fig. 1 (browser that displays the information in user computer is different from the browser that displays the information on the second computer).

Re claim 84,93,102: Roberts disclose:

in response to receiving the pretender identification information, authenticating the pretender and starting a session in which the pretender interacts with the first code-see col. 11;

Re claim 85,94,103: Roberts disclose:

retrieving access information that identifies applications that are available, through the first code, for use by the authenticated pretender;

and providing to a computing system associated with the pretender, the retrieved access information for storage in access information fields of a text file associated with the session of the pretender with the first code.- -see cols. 11 to col. 12 line 35;

Re claims 88,97,106: Roberts do not specifically disclose an icon representative of a program that is executable from within the selected application to provide the pretender with access to account data associated with the account of the particular party. Ellmore however, teaches a system and method providing a user access to account information on websites with multiple applications and services including ("The account type field is populated from a selection by the user from a drop-down list box of account types. The presentation of this drop-down list varies depending on the type of user. Users coming through an access point other than signing up for account access are presented with a complete list of all account types that are on CIF. In a preferred embodiment, the following are the types of accounts accessible from system 100: Credit Card; Mortgage; Checking; Savings; Overdraft Line of Credit; Credit-on-Demand; Certificates of Deposit (CDs); Money Market Account (MMA); IRA--CD; IRA--Savings; IRA--MMA; Investments; Personal Loans; Auto Loans; Home Equity loans and Line of Credit; and Insurance. ") -see col. 8 lines 19-31; Fig. 3; col.2 lines 46-67. It would have been obvious to one having ordinary skill in the art to include in the collaborative system of Roberts the ability to access account information by clicking on an icon displayed on a web page as taught by Ellmore since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the

Art Unit: 3692

same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Re claims 91,100,109: Roberts do not specifically disclose applications for accessing a retirement and investment account. It is old and well known in the art of banking that banks offer various accounts and one can access these accounts through the bank's website as evidenced by Ellmore-see col. 1 line 39 to col. 2 line 9.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specifically include that the applications accessed are a retirement and investment account as is old and well known as evidenced by Ellmore in order to provide the users with one website that includes multiple applications and services.

2. Claims 86,95,104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view Ellmore as applied to claims 83, 92, 101 above, and further in view of Fin et al. (hereinafter Fin, US Patent No.6,240,444).

Re claims 86,95,104: Roberts disclose retrieving access information identifying which applications a user is permitted to access (administrative view, user view, sales view), and saving the information in a database.-see cols. 11-12. Roberts do not specifically disclose retrieving account information that identifies programs associated with the selected application. Ellmore however, teaches using an account number to logon to see account information and Fin specifically teach sharing a Web document which displays bank account information between a customer and bank agent. –see

Art Unit: 3692

cols. 11 & 12. It would have been obvious to one having ordinary skill in the art to include in the apparatus, system and method for coordinating Internet communication between at least two users by displaying a shared view of information or the users respective interfaces of Roberts the ability to provide an account id upon login by the users for account access as taught by Ellmore and a simultaneous view of bank account information provided to the customer and bank agent as taught by Fin since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

3. Claims 87, 96, 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts, Ellmore, and Fin as applied to claims 86, 95, 104 above, and further in view of Northington et al. (hereinafter North, U.S. Patent No. 6,128,602).

Re claims 87, 96, 105: Roberts disclose wherein the retrieved account information specifies a right selected from the group consisting of: a right of the pretender to execute a program from with a selected application and a right of the pretender to access a database-see cols. 11-12.

Roberts, Ellmore, and Fin do not specifically disclose a right of a pretender to change a parameter of an account of the particular party; and wherein the application is selected from the group consisting of an application for accessing a retirement and investment account. North however, teaches a system providing one or more authorized

Art Unit: 3692

users with the ability to monitor financial transactions on-line and manipulate and control all financial transactions of the entity in real time using Web-browser software technology. North teaches user access to and the ability to alter financial information.- see col. 2 lines 51-59; cols. 3-6, 9-12; col. 13 lines 28-40; Figs. 5,7 and related text. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Roberts, Ellmore, and Fin to include altering financial information by a user such as a customer service representative as taught by North in order to allow real-time transaction management on individual, group, and global levels.

4. Claims 89, 98, 107 rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Ellmore as applied to claims 83, 92, 101 above, and further in view of Parker et al. (hereinafter Parker, U.S. Patent No. 5,729,734).

Re claims 89, 98, 107: Roberts and Ellmore do not specifically disclose wherein the third web page displays information indicating that the pretender is impersonating the particular party. Parker however, teaches ("FIG. 7 shows window 412 where, in one embodiment, the administrator is viewing all the sharepoints as if the administrator were viewing them from user C's account. To employ this feature, the administrator may, in one embodiment, click on the View-As pop-up icon 483 and select user C... When the administrator views as user C, the administrator is viewing from user C's perspective (i.e., in accordance with user C's access privileges as if the administrator was sitting at user C's client terminal). -see col. 11 line 20 to col. 12; Fig. 7 (483). It would have been obvious to one having ordinary skill in the art to include in the apparatus, system and method for coordinating Internet communication between at least two users disclosed

Art Unit: 3692

by Roberts, an indication displayed on a web page that a user other than the customer is viewing the account information (administrator view) as taught by Parker since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

(10) Response to Argument

Regarding the appellant's argument that the motivation to combine references is flawed and in response to the appellant's suggestion that Ellmore does not disclose allowing the user to use his password to view other people's bank accounts, Ellmore was cited in the final office action as evidence to what is an old and well known practice, i.e., using an account identifier with user identification information to authorize access. The examiner recites the following in the rejection of claim 83: "It is old and well known in the art of data authentication that in order to access secure data over the internet, many forms of identification as well as a combination of the identification can be used such as user id, password, account number, and social security number as evidenced by Ellmore."

Ellmore provides a detailed description of the process of authenticating a user in the provisional application 60/142,118, filed July 2, 1999. For example, the appellant's attention is directed to pages 7 to 23 wherein Ellmore discloses different levels of authentication based on a specific account (e.g., credit card account, liability accounts, mortgages). Ellmore teaches that the user identification information used in the

Art Unit: 3692

authentication may include, based on the account being accessed, the account number, Mother's maiden name, social security number, date of birth, home phone number (see pages 19-20, section 1.4.3.5 of the provisional application 60/142,118, for an example of user authentication for a credit card account).

Regarding the appellant's argument suggesting that Roberts fails to teach receiving information selecting an application from a set of applications, Roberts discloses that based on identification of the requester, the user computer downloads the user applet. As is known in the art of computer programming, an applet is a program that can be downloaded over the Internet and executed on the recipient's machine. Therefore, the user identification information provided by the user in Roberts, is used to download programs accessible by the user (e.g., if the server ascertains that the requester is a sales representative, then it downloads a service applet (program) capable of generating a sales view)-see Roberts, col. 10 line 58 to col. 11 line 6, other programs capable of being downloaded are administrative views, user view, customer view-see col. 12 lines 16-26)..

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., invite a participant to choose an applet (application) **are not recited in the rejected claim(s)**). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 83 recites "receiving, through a second web page generated by the first code, information selecting an application from

Art Unit: 3692

the set of applications”, there is no mention of a participant invited to choose an application from a set of applications as claimed.

In response to the appellant’s argument that nothing in Roberts corresponds to an “account” as Applicant, acting as his own lexicographer, has defined it. Roberts discloses the shared content can include web pages, files, application images, advertisements, interactive forms, data, or application data among any other form of data that can be captured and displayed on the browser. Roberts further discloses the sales view, customer view, and administration view. It is obvious that customer account data would be displayed. (Roberts, col. 12 lines 1-26).

Regarding claim 85 and the appellant’s argument that Roberts fail to reference any text file in the portions cited by the Examiner (col. 11 line 1 to col. 12, line 35), and consequently, Roberts fail to disclose “the retrieved access information for storage in an access information field of a text file associated with a session of the pretender.” The cited portions of Roberts disclose a database on a server wherein the server communicates with the database, preferably a relational database. When a requestor log-on to the server, the server checks the database to see whether the requester has a valid log-on and the associated applets required by the requester, once the server validates the log-on, the server will download one of the applets [applications]. It is well known in the art of computer programming that a database is a file composed of records, and a text file is a file composed of text characters. It is therefore obvious that a database would contain text files.

Art Unit: 3692

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Elda Milef/

Examiner, Art Unit 3692

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